

## **Minutes**

Radiation Advisory Board Meeting  
December 10, 2004  
James Madison Building, Room 132  
Richmond, Virginia

**Members Present:** Lee S. Anthony, Sr., Ph.D., Ted Sherwin, D.D.S., Panos P. Fatouros, Ph.D., James Thornton and Drexel Nelson Harris

**Members Absent:** Mary Ann Turner, M.D., Edway R. Johnson, Herman Moore, Jr., Jane O. Carpenter, Robert Toal, D.V.M.,

**Ex Officio Members Present:** Khizar Wasti, Ph.D., representing the State Health Commissioner, John Beers, Department of Agriculture and Consumer Services, representing J. Carlton Coulter, III; and Ronald Graham, representing the Department of Labor and Industry.

**Ex Officio Members Absent:** Representatives representing Department of Environmental Quality, Virginia Institute of Marine Science and Department of Emergency Management.

**Staff Present:** James Burns, M.D., Deputy Health Commissioner, Suzanne Jenkins, Acting Director, Office of Epidemiology, Leslie P. Foldesi, Director, Radiological Health Program, James deKrafft, Supervisor, Radioactive Materials Program, Stan Orchel, Jr., Supervisor of the X-ray Machine Program and Marie S. Harris, Recording Secretary.

**Guests Present:** Terry R. Eastman and James P. Nunn

### **Call to Order**

The meeting was convened at 9:00 a.m.

### **I. Overview of Agenda**

Chairman's comments

The Minutes of the meeting of December 30, 2003 were approved.

Conflict of Interest Training

Khizar Wasti provided information on following topics:  
Status of NRC Agreement State participation  
Legislation Initiatives

### **II. Program Director's Overview of the Program**

Les Foldesi provided an overview of program activities that included:  
Legislation 2004 Session of the General Assembly-None

Status of Regulations  
Radiation Protection Regulations:

- Staff revised regulations, completed in June, which incorporated by reference NRC regulations and adopted comments by assistant Attorney General (AG)
- Agency statement completed in July.
- Commissioner approved the revised proposed regulation in August.
- Request for AG review posted on Townhall website on September 21.
- AG office contacted program for information in mid-October.

#### Fee Schedule:

- Public comment published September 2003
- Public comments suggest need to increase registration and inspection fees, and establish fees for certain new x-ray machines.
- Staff agrees with public comments and recommends establishing fees for bone densitometers and certain combination dental x-ray machines.
- Staff informed to proceed when the proposed regulation is back on track.

#### Exercises

Power Plant Exercise-North Anna July 20, 2004

KI distribution plan was demonstrated for the first time. Although the Mobile Lab was not included in this exercise, the exercise demonstrated the necessity for the Mobile Lab & staff as a support asset in future exercises.

The US Navy Norfolk Shipyard conducted a transportation exercise on December 7, 2004 and invited local and state agencies to participate.

Responses to radiological events (landfills, scrap metal facilities, DOT exemptions):

- VDH issued US DOT exemptions for scrap metal (7) and municipal waste shipments(0).
- VDH responded to an Unusual Event declared on November 6, 2004 at North Anna. The reason for the Unusual Event was a fire lasting longer than 10 minutes
- VDH staff responded to an incident involving a radiation monitor at a landfill in York County. An adult diaper contaminated with radio-iodine was detected.
- VDH received several reports of stolen nuclear gages during the year.

Enforcement activities: Perry Beale was a private inspector who provided health physics consultation services.

- VDH staff identified violation of FDA regulations based on NRC Order.
- VDH confirmed fraudulent credentials provided to medical facilities for purposes of MQSA compliance.
- VDH staff cooperated with FDA/DOJ investigation.
- VDH removed –Perry Beale from list of Private Inspectors and his facilities were informed.
- Perry Beale was charged with 38 counts of mail fraud.
- His sentencing was delayed until March 2005.

Acquisition of Replacement Vehicle and Equipment

- Acquired replacement vehicle for small mobile radiation laboratory on November 8, 2004.
- New gamma spectroscopy system will arrive in January, 2005.

Damage Assessment Resulting From Tropical Depression “Gaston”

- Damaged three pool vehicles, including the radios and some equipment.
- Damaged the small mobile radiation laboratory, declared surplus property.

- Large mobile radiation laboratory damaged, now replacing the engine, transmission, and rear end. Also replacing the UPS.

**III. Old Business - None**

**IV. New Business**

Lee Anthony conveyed to the Board Edway Johnson's regrets that he could not attend the Meeting due to a death in the family. Dr. Anthony read aloud Mr. Johnson's letter to the Secretary of Health and Human Resources regarding the usefulness of the Radiation Advisory Board.

Lee Anthony made a motion for the Radiation Advisory Board to adopt the concerns expressed in Edway Johnson's letter and convey these concerns to the State Health Commissioner. Panos Fatouros seconded the motion. After discussion the motion was withdrawn.

The members discussed with Dr. Burns their concerns that the Advisory Board had been generally ignored and their recommendations were either ignored or the agency took a contrary position. Les Foldesi was requested to review the Advisory Board minutes to provide cases where the Board's advice was ignored or rejected. There was discussion regarding the role of the Advisory Board. Among other issues discussed, was the Chairperson for the Advisory Board should be someone higher in the agency. Members also preferred a 3-month notice of a meeting and wanted more frequent meetings.

Dr. Burns agreed to chair the next Advisory Board meeting and agreed to provide a 90-day notice of meeting. It was also suggested to not have the meeting early in the morning. Dr. Burns agreed to a start time of 10:00 A.M. at the next meeting.

**V. Public Comment Period**

Mr. Terry Eastman requested the regulations to include a requirement for technique charts being made available to X-ray machine operators to promote reduction of unnecessary x-ray exposure to patients.

**VI. Adjournment**

The meeting adjourned at 11:30 A.M.